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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BIO TECH NUTRIENTS, LLC,
Plaintiff,

v.

JOHN H. KUNZ, an individual; DOE
individuals I through X; and ROE
Corporations and Organizations I through
V, inclusive,

Defendants.

JOHN H. KUNZ,
Counterclaimant,

v.

BIO TECH NUTRIENTS, LLC,
Counter-Defendant.

Case No. 2:10-cv-00896-LRH-RJJ

**JOINT MOTION FOR EXTENSION OF
TIME FOR CASE PROGRESSION
DEADLINES**

Plaintiff Bio Tech Nutrients, LLC (“BTN”) and Defendant John H. Kunz (“Kunz”), pursuant to Federal Rule of Civil Procedure 29(b), LR 7-1, and LR 26-4, jointly move the Court for an extension of discovery deadlines. In support of such Motion, the parties state as follows:

1
2 1. Pursuant to LR 26-4(a), the discovery completed thus far in this case includes the
3 following:

4
5 a. On October 29, 2010, Defendant Kunz served 166 discovery requests upon
6 Plaintiff BTN;

7 b. On November 12, 2010, Plaintiff BTN served 36 discovery requests and
8 accompanying interrogatories upon Defendant Kunz;

9 2. On December 15, 2010, upon a court-approved extension of time to respond to
10 discovery requests, BTN responded to discovery requests of Kunz and provided a partial
11 production of documents.

12 3. On December 29, 2010, upon a court-approved extension of time to respond to
13 discovery requests, Kunz responded to discovery requests of BTN and subsequently provided a
14 partial production of documents.

15 4. At this time, Plaintiff BTN believes it is yet to produce approximately 40,000
16 pages of documents. At this time Plaintiff BTN is continues to review such documents for
17 privilege and confidentiality.

18 5. At this time, Defendant Kunz believes he is yet to produce over 25,000 pages of
19 documents, with approximately an additional 40,000 pages of spreadsheets and other e-mail
20 attachments he also intends to produce. At this time Defendant Kunz continues to review such
21 documents for privilege and confidentiality.

22 6. Going forward, the parties believe it is necessary to take over 10 depositions, none
23 of which have been taken. The parties also need to provide expert reports, which cannot be
24 prepared until additional discovery is completed and exchanged.

25 7. The parties also wish to engage in settlement discussions and thus further request
26 the below extensions for that purpose.

27 8. The Parties jointly request the following extensions:
28

1 a. The discovery cut-off date shall be moved from May 30, 2011 to
2 September 30, 2011.

3 b. The deadline for Bio Tech's disclosure of experts and their reports shall be
4 moved from March 15, 2011 to occur on or before July 15, 2011.

5 c. The deadline for Kunz's disclosure of experts and their reports shall occur
6 on or before August 15, 2011.

7 d. The disclosure of all Parties' rebuttal experts and their reports shall occur
8 on September 1, 2011.

9 e. The parties shall file the interim status report required by LR 26-3 by
10 August 1, 2011, 60 days before the discovery cut-off date of September 30, 2011, as
11 required by LR 26-3.

12 f. The parties shall have until October 31, 2011 to file dispositive motions.
13 This is 31 days after the discovery cut-off date.

14 g. The parties will prepare a Consolidated Pre-Trial Order by November 30,
15 2001, which is not more than 30 days after the date set for filing dispositive motions in
16 this case.

17 h. Any stipulation for additional extensions must be made not later than
18 September 7, 2011, 23 days prior to the discovery cut-off date to fully comply with LR
19 26-4.

20 WHEREFORE, Plaintiff and Defendant request that the forgoing extensions of time be
21 granted for the dates requested.

22 Dated this 22nd day of February, 2011.

By: s/ Brian C. Buescher

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BIO TECH NUTRIENTS, LLC

Dated this 22nd day of February, 2011.

By: s/ Jeffrey C. Parry


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JOHN H. KUNZ

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE
DATE: MARCH 7, 2011